

A motion to reconsider was laid on the table.

# MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1 offered by the gentleman from Ohio (Mr. BROWN) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Ohio (Mr. BROWN).

The vote was taken by electronic device, and there were—yeas 194, nays 209, not voting 31, as follows:

[Roll No. 573]

YEAS—194

Abercrombie	Green (TX)	Oberstar
Ackerman	Grijalva	Obey
Alexander	Harman	Oliver
Allen	Hastings (FL)	Ortiz
Andrews	Hill	Owens
Baca	Hinchey	Pallone
Baird	Hinojosa	Pascarell
Baldwin	Hoeffel	Pastor
Ballance	Holden	Payne
Becerra	Holt	Pelosi
Berkley	Honda	Pomeroy
Berman	Hooley (OR)	Price (NC)
Berry	Hoyer	Rahall
Bishop (GA)	Inslee	Rangel
Bishop (NY)	Israel	Reyes
Blumenauer	Jackson (IL)	Rodriguez
Boehlert	Jefferson	Ross
Boswell	Johnson, E. B.	Rothman
Boucher	Jones (OH)	Roybal-Allard
Boyd	Kanjorski	Ruppersberger
Brady (PA)	Kaptur	Rush
Brown (OH)	Kennedy (RI)	Ryan (OH)
Brown, Corrine	Kildee	Sabo
Capps	Kilpatrick	Sanchez, Linda
Capuano	Kind	T.
Cardin	Kleczka	Sanchez, Loretta
Cardoza	Kucinich	Sanders
Carson (IN)	Langevin	Sandlin
Carson (OK)	Larsen (WA)	Schiff
Case	Larson (CT)	Scott (GA)
Clay	Lee	Scott (VA)
Clyburn	Levin	Serrano
Conyers	Lewis (GA)	Sherman
Cooper	Lipinski	Skelton
Costello	Lofgren	Slaughter
Cramer	Lowe	Smith (WA)
Crowley	Lucas (KY)	Snyder
Cummings	Lynch	Solis
Davis (AL)	Majette	Spratt
Davis (CA)	Maloney	Stark
Davis (FL)	Markey	Stenholm
Davis (IL)	Marshall	Strickland
Davis (TN)	Matheson	Sullivan
Davis, Tom	Matsui	Tanner
DeFazio	McCarthy (MO)	Tauscher
DeGette	McCarthy (NY)	Taylor (MS)
Delahunt	McDermott	Thompson (CA)
DeLauro	McGovern	Thompson (MS)
Deutsch	McHugh	Tierney
Dicks	McIntyre	Towns
Dingell	McNulty	Turner (TX)
Doggett	Meehan	Udall (CO)
Doyle	Meek (FL)	Udall (NM)
Edwards	Meeks (NY)	Van Hollen
Emanuel	Menendez	Velazquez
Emerson	Michaud	Waters
Engel	Millender-McDonald	Watson
Eshoo	Miller (NC)	Watt
Etheridge	Miller, George	Waxman
Evans	Mollohan	Weiner
Farr	Moore	Wexler
Fattah	Moran (VA)	Woolsey
Filner	Nadler	Wu
Frank (MA)	Napolitano	Wynn
Gonzalez	Neal (MA)	
Gordon		

NAYS—209

Aderholt	Gilchrest	Otter
Akin	Gillmor	Oxley
Bachus	Gingrey	Paul
Baker	Goode	Pearce
Barrett (SC)	Goodlatte	Pence
Bartlett (MD)	Goss	Peterson (MN)
Barton (TX)	Granger	Peterson (PA)
Bass	Graves	Petri
Beauprez	Greenwood	Pickering
Bereuter	Gutknecht	Pitts
Biggert	Hall	Platts
Bilirakis	Harris	Pombo
Bishop (UT)	Hart	Porter
Blackburn	Hastings (WA)	Portman
Blunt	Hayes	Putnam
Boehner	Hayworth	Quinn
Bonilla	Hefley	Radanovich
Bonner	Hensarling	Ramstad
Bono	Herger	Regula
Boozman	Hobson	Rehberg
Bradley (NH)	Hostettler	Renzi
Brady (TX)	Houghton	Reynolds
Brown (SC)	Hulshof	Rogers (AL)
Brown-Waite,	Hyde	Rogers (KY)
Ginny	Issa	Rogers (MI)
Burgess	Istook	Rohrabacher
Burr	Janklow	Ros-Lehtinen
Burton (IN)	Jenkins	Ryan (WI)
Buyer	Johnson (CT)	Ryun (KS)
Calvert	Johnson (IL)	Saxton
Camp	Johnson, Sam	Schrock
Cannon	Jones (NC)	Sensenbrenner
Cantor	Keller	Sessions
Capito	Kelly	Shadeegg
Carter	Kennedy (MN)	Shaw
Castle	King (IA)	Shays
Chocola	Kingston	Sherwood
Coble	Kirk	Shimkus
Cole	Kline	Shuster
Collins	Knollenberg	Simmmons
Cox	Kolbe	Simpson
Crane	Latham	Smith (MI)
Crenshaw	LaTourette	Smith (NJ)
Cubin	Leach	Smith (TX)
Culberson	Lewis (CA)	Souder
Cunningham	Lewis (KY)	Stearns
Davis, Jo Ann	Linder	Tancred
Deal (GA)	LoBiondo	Tauzin
DeLay	Lucas (OK)	Taylor (NC)
Diaz-Balart, L.	Manzullo	Terry
Diaz-Balart, M.	McCotter	Thomas
Doolittle	McCrery	Tiaht
Dreier	McInnis	Tiberi
Duncan	McKeon	Toomey
Dunn	Mica	Turner (OH)
Ehlers	Miller (FL)	Upton
English	Miller (MI)	Vitter
Everett	Miller, Gary	Walden (OR)
Feeney	Moran (KS)	Walsh
Ferguson	Murphy	Wamp
Flake	Musgrave	Weldon (FL)
Foley	Myrick	Weldon (PA)
Forbes	Neugebauer	Weller
Fossella	Ney	Whitfield
Franks (AZ)	Northup	Wicker
Frelinghuysen	Norwood	Wilson (MN)
Gallegly	Nunes	Wilson (SC)
Garrett (NJ)	Nussle	Wolf
Gerlach	Osborne	Young (AK)
Gibbons	Ose	Young (FL)

NOT VOTING—31

Ballenger	Gutierrez	McCollum
Bell	Hoekstra	Murtha
Burns	Hunter	Nethercutt
Chabot	Isakson	Pryce (OH)
DeMint	Jackson-Lee	Royce
Dooley (CA)	(TX)	Schakowsky
Fletcher	John	Stupak
Ford	King (NY)	Sweeney
Frost	LaHood	Thornberry
Gephardt	Lampson	Visclosky
Green (WI)	Lantos	

□ 2005

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 6, the Energy Policy Act of 2003.

The form of the motion is as follows:

Ms. EDDIE BERNICE JOHNSON of Texas moves that (1) The House conferees shall be instructed to include in the conference report the provisions of section 837 of the Senate Amendment that concern reformulated gasoline in ozone nonattainment areas and ozone transport regions under the Clean Air Act.

(2) The House conferees shall be instructed to confine themselves to matters committed to conference in accordance with clause 9 of rule XXII of the House of Representatives with regard to any matters relating to ozone nonattainment and ozone transport.

## ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. DAVIS of Florida. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. DAVIS of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject the provisions of subtitle C of title II of the House bill.

## PASS H.R. 3365, FALLEN PATRIOTS TAX RELIEF ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise this evening to express my strongest support for H.R. 3365, the Fallen Patriots Tax Relief Act. This bill addresses one of the most outrageous and unjust practices that I have ever witnessed as a Member of Congress.

Mr. Speaker, as a Member of this body, as a veteran of two wars, but more importantly as an American, it angers me to think that after losing a loved one in combat, a grieving family could be ordered to pay taxes on a gift presented to them on behalf of a grateful Nation.

Our men and women in uniform and the families who love them deserve the tremendous respect and gratitude of this Nation. We can show our respect and gratitude by repealing this onerous and unjust tax. Our Nation is truly grateful for the sacrifices of our men and women in uniform, and I urge my colleagues to join me in supporting our veterans and vote yes on H.R. 3365.